



An
Bord
Pleanála

Inspector's Report ABP-311633-21

Development	Development consisting of new first floor and part second floor over existing shop, to comprise 3 no. apartments - including new entrance door and stairs (internally) and all ancillary site works
Location	Unit 3, Loughlinstown Shopping Centre, Loughlinstown, Co Dublin, A96Y6Y1
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/0668
Applicant(s)	Craddock Retail Limited
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party
Appellant(s)	Craddock Retail Limited
Observer(s)	None
Date of Site Inspection	8 th July 2022
Inspector	Phillippa Joyce

1.0 Site Location and Description

- 1.1. The appeal site is located at Unit 3, Loughlinstown Shopping Centre, Loughlinstown Drive, Co. Dublin. Loughlinstown Shopping Centre is a part single storey/ part two storey complex comprising several commercial units and a public house. The ground floor units include shops, food outlets, and professional services, with ancillary and/ or residential accommodation noted at first floor level in the two storey units , with separate doorways in the front elevation. The shopping centre is an inverted 'L' shape, served by surface car parking to the front of the units and circulation/ service area to the rear.
- 1.2. The appeal site comprises Unit 3, which is a single storey element of the shopping centre. The Unit is located at the intersection of the inverted 'L' shape, with a retail unit at ground floor level. The site is square in configuration with a stated area of 0.0182ha (182sqm), and Unit 3 is indicated as measuring c.169sqm. The shopfront of the retail unit comprises a sliding door with floor to ceiling glazing. A doorway for service access is also available to the rear of the unit. Unit 3, in similarity with the remainder of the shopping centre, is of a standard architectural design with a mix of pebbledash render and brick external finishes.
- 1.3. There are a range of facilities and uses in the vicinity of the shopping centre, including educational, community, healthcare, leisure, and residential. Most proximate include the Barnardo's centre adjacent to the northeast and the Loughlinstown community centre adjacent to the northwest, while further to the east and southeast are two storey dwellings, to the northeast is St. Columbanus National School, to the southwest is the DLR leisure centre, and to the west is Loughlinstown Hospital. The Shanganagh River running through Loughlinstown Woods is c.255m to the southwest, and the Kill o' the Grange Stream running through a public park is c.173m to the northeast.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - New first floor and part second floor accommodation over existing shop (total floorspace c.157sqm) comprising;

- Three apartments, two 2 bedroom units at first floor level and one 3 bedroom unit at second floor level;
- New ground floor entrance door and internal stairs;
- Winter garden/ balconies at first floor level;
- Terrace area within front roof slope and rooflights at second floor level;
- Relocation of shopfront and fascia/ signage; and
- All ancillary site works.

3.0 Planning Authority Decision

3.1. Summary of the Decision

- 3.1.1. On the 13th September 2021, the planning authority issued a notification to refuse permission for the proposed development citing one refusal reason as follows:

‘Having regard to the site’s location on lands zoned Objective ‘NC’ – ‘To protect, provide for and/ or improve mixed-use neighbourhood centre facilities’, the transitional nature of the site, the scale, height and massing of the proposed development, it is considered that the proposed development would be visually incongruous within the receiving environment, thereby detracting from the visual amenities of the area, and if permitted, would be contrary to Policy UD1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and to the proper planning and sustainable development of the area.’

3.2. Planning Authority Reports

- 3.2.1. Planning Report

The planner’s report is the basis for the planning authority decision. The key items from which are summarised as follows:

- Planning history at the shopping centre includes permissions granted for first floor residential accommodation over ground floor units (dating between 2003-2006);
- Relevant policy context relating to consolidation and densification of development;

- Site highlighted as being easily accessible and served by public transport;
- Residential development accepted in principle, with an assessment of the apartments finding the following;
 - Notes apartments are either dual or triple aspect but that no daylight and sunlight analysis submitted;
 - Private open space provision, balconies and terrace area, considered acceptable;
 - Storage provision does not appear to meet requirements in national planning guidelines;
 - Communal open space not provided, proposal calculated as generating a requirement for 21sqm;
 - Unit mix (two 2 bedroom, 3 person units) does not appear to meet requirements in national planning guidelines;
- 70m separation distance to dwellings in Loughlinstown Park noted, no adverse impact on residential amenity of the dwellings anticipated;
- Concerns due to proposal's increase in ridge level and variance in form and mass from the existing Centre;
- Considered to be visually incongruous in the streetscape and contrary to CDP Policy UD1: Urban Design Principles, which seeks:
 - [T]o ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.
- Access to apartments from ground floor entrance and internal stairwell considered acceptable;

- Reference to outstanding bicycle parking information, condition can address same;
- Shopfront amendments considered acceptable, condition for agreeing final design details of the fascia/ signage can address same; and
- Requirements for Appropriate Assessment and Environmental Impact Assessment are screened out.

3.2.2. Other Technical Reports

Drainage Planning: no objection, no conditions.

Transportation Planning: further information requested requiring details on long and short term cycle parking.

Environmental Health Officer: further information requested requiring a construction management plan, and bin storage and waste management for the apartments.

3.3. Prescribed Bodies

Irish Water: no objection subject to standard conditions.

3.4. Third Party Observations

3.4.1. No third party submissions were received by the planning authority.

4.0 Planning History

Appeal Site

PA Ref. V/045/21

Certificate of Exemption from Part V granted on 5th July 2021 to the applicant in respect of the site.

PA Ref. D05/ 0210 (not implemented)

Permission granted in August 2005 to E. and P. Teehan for an additional floor at first floor level containing 1 no. two bedroom residential unit and 2 no. one bedroom residential unit and alterations to shop front at ground floor level including new entrance to proposed apartments.

Site to Southeast, The Lough Pub (Unit 1), Loughlinstown Shopping Centre

PA Ref. D20A/0829, ABP 309357-21

On the 24th May 2021, An Bord Pleanála upheld the decision of the planning authority and refused permission for to Winshop Limited the demolition of stair case and partial demolition of roof. Partial change of use of ground floor from Pub to residential/ apartment use, to accommodate 6 apartment units at the Lough Inn, Loughlinstown Shopping Centre, for the following reason:

'Having regard to the provisions of the current Dún Laoghaire-Rathdown County Development Plan, and the design and layout of the proposed development, it is considered that the proposed development would result in a substandard form of development for future residents by reason of the location of the proposed access for a number of the apartments to the rear of the site in close proximity to a service yard for a public house and the absence of a bedroom window in Apartment No. 1. The proposed development would be contrary to Section 8.2.3.1 of the current Dún Laoghaire-Rathdown County Development Plan in relation to quality residential development and would give rise to an unsatisfactory standard of residential amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.'

Site to North, Loughlinstown Industrial Estate and part of HSE Health Centre

PA Ref, D19A/0797, ABP 307994-20 (being implemented at time of site inspection)

Permission granted (ABP decision in respect of Section 48 development contributions) to Melcorpo Commercial Properties for the demolition of all existing buildings (1985sq.m) on site and the construction of a 4 storey Primary Care Centre and General Practitioner (GP) Surgery with a gross floor area of 4,267sq.m, over 4 floors, with a maximum height of 16.955m, with a vehicular drop off area, surface carparking spaces, landscaping, lighting, external signage and all associated site and development works.

5.0 Policy Context

5.1. Local Planning Context

Change between Dún Laoghaire Rathdown County Development Plans

5.1.1. The Dún Laoghaire Rathdown County Development Plan 2016-2022 (2016 CDP) was in effect at the time the planning application was assessed and the appeal was lodged. As such, the application and appeal documentation both refer to policy in the 2016 CDP (cited in Section 3.0 Planning Authority Decision and Section 6.0 The Appeal in this report).

5.1.2. In the interim, the Dún Laoghaire Rathdown County Development Plan 2022-2028 (2022 CDP) came into effect on the 21st April 2022 (the Draft Ministerial Direction issued to the planning authority is not applicable to the appeal case). Accordingly, therefore, this appeal is assessed with regard had to the provisions of the 2022 CDP.

Dún Laoghaire Rathdown County Development Plan 2022-2028

5.1.3. The relevant 2022 CDP map based designations include:

- The site is zoned as Objective 'NC' which seeks to 'To protect, provide for and/ or improve mixed-use neighbourhood centre facilities'. The proposed development, comprising residential use and amendments to an existing shopfront (retail), is permissible therein;
- The site is in a transitional zone adjacent to lands with different zonings including, to the north and west, Objective 'SNI' which seeks 'To protect, improve and encourage the provision of sustainable neighbourhood infrastructure', and to the south and east, Objective 'A' which seeks 'To provide residential development and improve residential amenity while protecting the existing residential amenities'; and
- Map based specific local objective (SLO) SLO 10, located c.75m to the east of the site, seeks 'To retain, improve and encourage the provision of sustainable neighbourhood infrastructure facilities'.

5.1.4. I consider the most relevant local 2022 CDP policy and requirements to be within Chapter 4 Neighbourhood: People, Homes and Place (densification, living over the shop, housing mix, quality building design), Chapter 7 Towns, Villages and Retail Development (strategy for existing neighbourhood centres, appropriate mix and scale of development in centres), and Chapter 12 Development Management (overall design, developments in neighbourhood centres, apartment qualitative and quantitative standards).

5.1.5. Chapter 4 Neighbourhood: People, Homes and Place outlines policy for increasing the supply of quality residential development in an appropriate manner:

- Section 4.3.1.1, Policy Objective PHP18: Residential Density – increase housing supply and promote urban growth through consolidation and intensification of infill sites, and encourage higher residential densities whilst balancing existing residential amenities and the established character of areas with the need to provide for sustainable development;
- Section 4.3.1.2, Policy Objective PHP19: Existing Housing Stock – Adaptation – densify existing built-up areas through infill development including supporting living over the shop schemes, whilst having regard to the amenities of existing established residential neighbourhoods;
- Section 4.3.2.3, Policy Objective PHP27: Housing Mix – create sustainable residential communities by providing a wide variety of housing and apartment types, sizes, and tenures in accordance with the provisions of the Housing Need Demand Assessment (HNDA); and
- Section 4.4.1.1, Policy Objective PHP35: Healthy Placemaking – Ensure that all development is of high quality design with a focus on healthy placemaking, promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009) and in the ‘Design Manual for Urban Roads and Streets’ (2013), and ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

5.1.6. Chapter 7 Towns, Villages and Retail Development outlines policy for appropriately designed, scaled and mixed use developments in neighbourhood centres:

- Section 7.5.4.1, Policy Objective RET7: Neighbourhood Centres – develop centres as the focal point for communities and neighbourhoods by way of the provision of an appropriate mix, range, and type of uses subject to the protection of the residential amenities of the surrounding area; and
- Section 7.5.4.1 states the function of the centres is to provide a range of convenient and easily accessible retail outlets and services within walking

distance for the local catchment population, and that the introduction of residential may be suitable for some centres without adversely impacting on existing levels of amenity.

5.1.7. Chapter 12 Development Management contains requirements for new development and redevelopment proposals:

- Section 12.3.1.1, Design Criteria – includes compliance with land use zoning, policy objectives, national planning guidance, and the achievement of higher density, sense of place, context, relationships, variety, privacy and amenity, and quantitative and qualitative standards;
- Section 12.3.3.1, Residential Size and Mix and Table 12.1 – ensure new developments have an appropriate mix of units, including a proportion of larger units (only schemes in excess of 50 units are required to provide specified % proportions of larger units);
- Section 12.3.5, Apartment Development – numerous qualitative and quantitative standards for design, size, floor areas, room proportions, storage, private open space;
- Section 12.3.7.7, Infill – in accordance with Policy Objective PHP19, infill development shall respect the height and massing of existing residential units, and retain the physical character of the area;
- Section 12.3.7.9, Living-Over-The-Shop – potential deviations from normal standards to facilitate ‘Living-Over-The-Shop’ developments that contribute positively to the renewal of areas provided any proposed modifications will not have a negative impact on visual amenities or the existing streetscape, subject to suitability of location (established retail/ commercial areas) and the standard of accommodation proposed, derogations may be given in respect of private open space, parking, and unit size standards;
- Section 12.4.5.1, Parking Zones – car parking provision to accord with standards for different zones (appeal site is located in Zone 3, parking standards are 1/ 2 car parking space(s) per 2 bedroom/ 3 bedroom units), policy for Zone 3 allows a reduced provision in instances of infill/ brownfield developments in neighbourhood or district centres;

- Section 12.4.5.2, Application of Standards – assessment criteria for a reduction in car parking provision include proximity to public transport services, level of service and interchange available, the existing availability of parking and its potential for dual use, particular nature, scale, and characteristics of the proposed development (deviations may be more appropriate for smaller infill proposals), and the range of services available within the area;
- Section 12.6.1, Assessment of Development Proposals in Towns, District and Neighbourhood Centres – scale and mix of proposal to accord with the role and function of the centre, with a focus on high quality design and public realm improvements;
- Section 12.8.3, Open Space Quantity for Residential Development – requirement for all new residential development to contribute to open space, public open space requirement based on site area (15%), but for sites of less than 0.25 ha consideration will be given to levying a Section 48 development contribution in lieu of public open space provision, communal open space requirement is based on unit size (5 sqm-9 sqm), but for sites of less than 0.25 ha the quantity of communal open space to be relaxed in part or whole; and
- Section 12.8.8, Financial Contributions in Lieu of Open Space – applications to include a clear schedule with public, private, and communal open space requirements and proposals set out for any short fall. Where the required open space cannot be achieved, a contribution in lieu of providing the full quantum of public open space will be required.

5.2. Natural Heritage Designations

- 5.2.1. The appeal site is not located in or immediately adjacent to a European Site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA). There are no watercourses at or directly adjacent to the site.
- 5.2.2. The Shanganagh River running through Loughlinstown Woods is c.255m to the southwest, and the Kill o' the Grange Stream running through a public park is c.173m to the northeast. Both watercourses are at lower ground levels than the subject site and built up areas in the vicinity. Shanganagh River flows in a

southeasterly direction through Loughlinstown Woods (pNHA) towards Dublin Bay. Kill o' the Grange Stream flows in an easterly direction towards Dublin Bay.

5.2.3. The natural heritage and European Site designations in proximity to the appeal site include (measured at closest proximity):

- Loughlinstown Woods pNHA (site code: 001211) is c.196m to the southwest, and
- Rockabill to Dalkey SAC (site code 003000) is c.2,568m to the east.

5.3. Environmental Impact Assessment Screening

5.3.1. Having regard to the nature and scale of the development proposed, the site location within an established built-up urban area which is served by public infrastructure and outside of any protected site or heritage designation, the nature of the receiving environment and the existing pattern of residential development in the vicinity, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The following is a summary of the main issues raised in the grounds of the first party appeal:

- Proposal would not be visually incongruous within the receiving environment;
- Scale, height (stated as well below the ridge line of The Lough Inn), massing, and external finishes (stated as modest finishes to match existing building, grey coloured render could be changed to pebbledash) of proposal would not detract from visual amenities of the area;
- Indicates briefly how the proposal complies with the criteria listed in the national Urban Design Manual (which is referred to in CDP 2016 Policy UD1);
- In the event that the Board agrees with the planning authority, revised plans are submitted for consideration indicating the following:

- Revised roof plan of the rear (northwest) section of the roof plane from a pitched roof to flat roof profile with a projecting frieze surround;
 - Reduced building ridge height by 1.2m from 10.04m to 8.84m, which is stated as 0.16m (160mm) above the ridge height of Units 4-7;
 - Three PV solar panels proposed on flat roof plane to serve each apartment;
 - Flat roof plane, projecting frieze, rear and side walls of the proposed first and second floor levels are to be finished in dark grey zinc cladding as this considered to be a 'quality' material/ external finish;
 - Dwg P3A – revised floor plans indicating the required storage provision for the apartments;
 - Dwg P3B – 'Option B', revised first level floor plan (with associated revisions to elevations) indicating a change from the proposed two 2 bedroom (3 persons) units to one 1 bedroom (2 persons) unit and one 2 bedroom (4 persons) unit to achieve a greater apartment mix; and
 - Revised site layout plan indicating visitor cycle parking (four spaces in two Sheffield stands) located in the Centre's car parking area, a gated entrance, at the side of Unit 7, allowing residents access to the rear yard area with 6/ 7 cycle spaces and communal refuse storage area;
- Proposal makes efficient and appropriate use of an underdeveloped, serviced urban site;
 - Requests Board grant permission for the proposal in its original form; and
 - Anything less than the development of three much needed apartments would be unsustainable.

6.2. Planning Authority Response

- 6.2.1. A response received from the planning authority states that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.
- 6.2.2. The planning authority has not commented on or assessed the applicant's revised design proposal indicating a reduced building height, amended roof plan, and altered

elevations (with implications for visual impact and the planning authority's refusal reason), the revised floor plans of the apartments (with implications for compliance with national planning standards), and the revised site layout plan indicating visitor and resident cycle parking, gated side access for residents (with implications for access, parking, and servicing).

6.3. **Observations**

There are no observations on the appeal.

6.4. **Further Responses**

No further responses were made or received on the appeal.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. Having examined the appeal and application documentation, reviewed the planning history, inspected the site, and having regard to the relevant local policies, I consider the main issues in the appeal to be as follows:

- Visual Amenity;
- Residential Amenity;
- Access and Servicing;
- Other Issues; and
- Appropriate Assessment Screening.

7.2. **Visual Amenity**

7.2.1. Concern in relation to the overall design (scale, height, massing) of the proposal and its being visually incongruous in the streetscape of the Loughlinstown Shopping Centre forms the basis of the refusal reason cited by the planning authority. From a review of the planner's report, reference is made to the proposal's increase in ridge level and variance in form and mass from the existing Centre. The planner's report does not give an indication of what would be acceptable in terms of overall design, and the planning authority's response to the appeal does not comment on the revised plans submitted by the applicant with the first party appeal.

- 7.2.2. In the refusal reason, the planning authority also finds that the proposal is contrary to 2016 CDP Policy UD1: Urban Design Principles (which I have cited in Section 3.0 above). I identify an equivalent policy in the 2022 CDP as Section 4.4.1.1, Policy Objective PHP35: Healthy Placemaking (cited in Section 5.0 above). Essentially, the proposal is considered to be a poor quality design, to not promote a sense of place, and to not have due regard to, inter alia, context, variety, amenity.
- 7.2.3. In the grounds of appeal, the applicant submits that the proposal will not be visually incongruous and requests that the Board grants permission for the proposal as initially lodged. However, to address the refusal reason, the applicant has submitted revised plans and particulars in the first party appeal. The revised plans indicate the proposed extension with a redesigned roof profile, amended external finishes, and alterations to the floor plans and elevations of the apartments. The planning authority did not comment on this item in its response to the first party appeal. I have reviewed the revised plans and consider these to be preferable to the proposed development as initially lodged in terms of overall design and visual impact. In the interest of clarity therefore, the following assessment is based on the revised plans (referred to as 'Option B') submitted by the applicant with the first party appeal.
- 7.2.4. A key difference in the revised plans is the amended roof profile of the extension from a pitched roof with a principal height of c.10.04m to a part-pitched/ part-flat roof profile with a principal height of c.8.84m. Due to the decrease in height and massing, I consider the revised roof profile to be a more appropriate design solution at this location within the shopping centre, and less jarring and more subtle in terms of visual impact from each elevation, particularly when viewed from the front and rear elevations. The revised roof profile results in the ridge height of the proposed extension being c.0.16m higher than the adjacent units to the southwest and c.2.35m higher than that to the southeast. I consider these variations in building height to be marginal in visual amenity terms and, on balance, to be acceptable.
- 7.2.5. The design and elevational treatment of the proposed extension is streamlined, with standard door and fenestration positioning and proportions, which, while not exact matches, are compatible with those in the existing shopping centre. While the proposed balconies and terrace area are new architectural features, likewise I consider these to be consistent with the overall design of the proposed extension and to be acceptable.

- 7.2.6. With regard to external finishes, in the revised plans and particulars the applicant newly proposes zinc cladding on the flat roof frieze, and the gables and rear wall plates of the extension. While I note the zinc cladding is a new external finish at the Centre, I consider its use to add variety to the built form at the Centre and in the vicinity. For the front elevation of the extension, I positively note that it is proposed to use pebbledash, brick, and roof tiles to match the existing external materials, as this will ensure a visual cohesion at the Centre.
- 7.2.7. As the refusal reason is based on concern with the overall design and associated adverse visual impact, I consider the existing built environment and the planning history of the area to be relevant planning considerations. Of the former, the appeal site is surrounded by various uses and organisations, the range of which is reflected in the varying architectural styles, designs, external finishes, and boundary treatments. That being, I do not consider the area to have a distinctive style or unique character. Of the latter, I have reviewed the planning history in the vicinity of the appeal site. While I note that permission was refused for works at The Lough Inn, involving amendments to the external roof profile, this related to residential amenity considerations for the proposed apartments. Importantly, I note that permission has been granted for a four-storey care centre adjacent to the north of the appeal site. This building has a principal height of c. 17m and features a mix of external finishes including different coloured cladding and bricks. That being, I consider the area to be in a state of flux, undergoing changes in terms of new developments and redevelopments.
- 7.2.8. As a further consideration for visual amenity, due to the location of the site within the Centre, to the siting and proximity of the surrounding buildings, and to the topography of the area, I highlight to the Board that views available of the site are in effect quite restricted. Following my site inspection, travelling the area, and viewing the site from public roads and footpaths, I am satisfied that there are either none, obstructed, or fleeting views of the front elevation, and particularly towards the gables and rear elevation of the proposed development.
- 7.2.9. In summary, I note the variance in ridge height, scale, and massing of the proposed first and second floor extension to the remainder of the shopping centre, however I do not consider it to be visually incongruous due to the reasons outlined above. I do not consider there to be any issue in terms of design and visual impact arising from

the proposed amendments to the façade of the ground floor retail unit. The insertion of a doorway to serve the overhead apartments is similar to other such doorways in the front elevation of the shopping centre, and final finishes and signage for the shopfront can be addressed by condition in the event of a grant of permission. From the foregoing, I conclude the proposal complies with 2022 CDP Policy Objective PHP18 as the character of the area is one of diversity and variance, and complies with 2022 CDP Policy Objective PHP35 (equivalent of 2016 CDP Policy UD1) as the proposal, revised in the first party appeal, has been cognisant of considerations such as context, variety, adaptability, and amenity.

7.3. Residential Amenity

- 7.3.1. The proposal development comprises an extension at first and second floor levels over the existing ground floor retail unit, accommodating three apartments. The first floor level contains two apartments, and the second floor level contains one apartment. As initially proposed, the residential mix included for two 2 bedroom (3 persons) apartments at first floor level, and one 3 bedroom (5 persons) apartment at second floor level.
- 7.3.2. The planning authority considered the development of apartments at the site to be acceptable in principle. In its assessment, outstanding items were identified including the provision of storage, communal open space, and an acceptable unit mix. As referred to in the previous section, the first party appeal includes revised plans and particulars seeking to address issues raised by the planning authority. I consider the revised floor plans and elevations, entitled as 'Option B' to be preferable to those initially lodged and are the subject of this assessment.
- 7.3.3. The revised plans indicate an amended layout at first floor level with the two apartments redesigned as one 1 bedroom (2 persons) apartment and one 2 bedroom (4 persons) apartment. The layout of the second floor level remains as initially lodged. I have reviewed the accompanying schedule of accommodation, floor plans and elevation drawings, and the 2022 CDP Section 12.3.5, Apartment Development which includes a range of qualitative and quantitative standards. I confirm that the proposed apartments satisfy the applicable requirements in respect of dual aspect, storage space, minimum floor areas, floor to ceiling height. I

positively note the revised apartment mix, offer of one 1, 2, and 3 bedroom apartments, to more appropriately address different household formations.

- 7.3.4. In respect of residential amenity of existing residents, those most proximate are residents in the first floor level over the commercial units of the shopping centre. Due to the nature of the proposal (restricted corner location, maintenance of front and rear building lines, and balcony and terrace designs), I do not anticipate that the proposal will have an adverse impact on these properties in terms of overlooking, overbearance, or overshadowing. There are two storey dwellings in the vicinity of the Centre in Loughlinstown Park and Cois Coille, though due to the notable separation distances, I concur with the planning authority and do not consider there to be any issues of overlooking, overbearance, or overshadowing arising. There will be impacts arising on the general locality during the construction phase of the proposal, but these are likely to be convention, short-term, and can be addressed by condition in respect of a construction management plan and hours of operation.
- 7.3.5. In summary, I find that the proposal accords with applicable policy (cited above in Section 5.0 of this report) on infill, densification and living over the shop (Policy Objectives PHP18 and 19), on residential type and mix, and mixed use in neighbourhood centres (Policy Objectives PHP27 and RET7), and satisfies the development management criteria in respect of quality design, qualitative and quantitative standards for apartment developments, and for neighbourhood centre proposals (Section 12.3.1.1, 12.3.3.1, 12.3.5, 12.3.7.7, 12.3.7.9, and 12.6.1). I am satisfied that, on balance, the proposal will provide the future residents of the apartments with acceptable standards of residential amenity.

7.4. Access and Servicing

- 7.4.1. In respect of access, the proposal includes a new doorway inserted in the front elevation, to the west of the relocated shopfront, to provide shared access from street level to the proposed apartments. An internal stairwell with landing at first floor level provides direct access to the three apartments. I find the proposed access arrangement to be acceptable, and concur with the planning authority in this regard.
- 7.4.2. In the revised plans and particulars submitted in the first party appeal, the applicant proposes managed access by residents through a gated entrance to the circulation/ service area to the rear of the shopping centre. The service area contains an

existing lean-to structure which is proposed for residents' use for bicycle parking and refuse storage. While a shorter and more direct access for residents to these services would be preferable, on balance, I consider this to be an acceptable arrangement having regard to the nature of the site, the separate ground floor retail use, and other planning gains from arising from the infill development.

7.4.3. With regard to car and bicycle parking, the proposal does not include for designated/ allocated car parking for the apartments (the applicant refers to the available surface car parking serving the shopping centre). In the revised plans, bicycle parking (6/ 7 spaces) is indicated for residents to the rear of the site, and visitor bicycle parking (4 spaces) is proposed at the end of the footpath/ adjacent to Unit 7 and the gated entrance to the service area. In respect of car parking, I note that 2022 CDP policy, in Sections 12.4.5.1 and 12.4.5.2, identifies instances where reduced provision is acceptable and I am satisfied that the proposed development complies with these (infill development in neighbourhood centres, proximity to public transport, availability of existing parking and its potential for dual use). In respect of bicycle parking, the type, quantum, and location of same, was raised by the Transportation Planning Section. The planning authority did not comment on this item in its response to the first party appeal. I consider the proposed arrangements for resident and visitor spaces included in the first party appeal to form the basis of an acceptable arrangement, and recommend final details be agreed with the planning authority.

7.4.4. With regard to servicing, the proposal will be served by existing public water services infrastructure, and no issue has been raised regarding connection/ capacity by the planning authority or Irish Water. In respect of waste management, bin storage for the apartments was raised by the Environmental Health Officer. As outlined above, the applicant is proposing communal refuse storage to be housed in an existing structure in the service area to the rear of the site accessed via a gated entrance. The planning authority did not comment on this item in its response to the first party appeal. I consider the arrangement to be acceptable having regard to the nature of the site and available options, and recommend final details be agreed with the planning authority.

7.5. **Other Issues**

Part V

- 7.5.1. As the site is zoned as Objective 'NC', which provides for mixed uses including residential use, and the proposal is for residential development, consideration is required in respect of compliance with Part V requirements. The planning history at the site includes a Part V exemption certificate being in place. No condition in respect of same need be attached in the event of a grant of permission.

Management Company

- 7.5.2. In the application form submitted with application, the applicant did not indicate how the proposal would be managed/ maintained (in response to Question 24 stating 'n/a'). While apparent that the proposal will not be taken in charge by the planning authority, due to the communal nature of aspects of the apartments, I consider it beneficial for the amenity of future residents that a management company be established to manage same, and recommend this be addressed by condition.

Contribution in Lieu of Public Open Space

- 7.5.3. Of relevance to the proposal, 2022 CDP Section 12.8.3 requires all new residential development to contribute to open space, which is 15% of the site area as public open space, in addition to a quantum of communal open space which is calculated on the basis of unit mix. The planning authority noted that no communal open space was provided in the proposal, and I note that the applicant does not address the shortfall in public and/ or communal open space in the first party appeal.
- 7.5.4. I highlight that 2022 CDP Section 12.8.3 allows flexibility for schemes where the site area is less than 0.25ha, such as the proposed development, whereby a development contribution in lieu of public open space provision can be levied, and the quantity of communal open space can be relaxed in part or whole. The requirement for a contribution in lieu of public open space provision is reiterated in 2022 CDP Section 12.8.8. This section also requires that applications include a clear schedule with public, private, and communal open space requirements and set out proposals for any short fall, which I highlight has not been provided in the application or appeal documentation. In the event of a grant of permission, I consider that the proposal can qualify for a relaxation of communal open space (due to the nature of the proposal as an infill location and the restricted size of site), there remains a policy requirement for public open space provision and I recommend that

the issue be addressed by way of a condition with the calculation of the shortfall and payment of same to be agreed with the planning authority.

7.6. Appropriate Assessment Screening

- 7.6.1. Having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the absence of ecological and/ or hydrological connections, and the physical separation distances to European Sites, the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.

8.0 Recommendation

- 8.1. I recommend that permission be granted based on the following reasons and considerations, and subject to the attached conditions.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, the 'NC' zoning objective of the site, the existing pattern of development, the planning history at the site and in the vicinity, and the nature, design, and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 11 th day of October 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree
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	<p>such details in writing with the planning authority prior to commencement of development or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Three apartments (one 1 bedroom unit and one 2 bedroom unit at first floor level, and one 3 bedroom unit at second floor level) are hereby permitted, which shall be carried out and completed in accordance with plans entitled 'Option B' as received by An Bord Pleanála on the 11th day of October 2021.</p> <p>Reason: In the interest of clarity and residential amenity.</p>
3.	<p>Proposals for a development name and numbering scheme shall be agreed in writing with the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
4.	<p>Details of the external shopfront, finishes, lighting, and signage for the retail unit shall be agreed in writing with the planning authority prior to development.</p> <p>Reason: In the interest of clarity and visual amenity.</p>
5.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed extension shall be as submitted with the appeal as received by An Bord Pleanála on the 11th day of October 2021, unless otherwise agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks,</p>

	<p>ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
7.	<p>i) Final details of the bicycle spaces (resident and visitor), including the quantum, type, location, and manner of installation, shall be agreed in writing with the planning authority prior to development; and</p> <p>ii) The entrance gates to the circulation/ service area shall open inwards only towards the area.</p> <p>Reason: To ensure the adequate provision of cycle spaces, and pedestrian, cyclist and traffic safety.</p>
8.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A scheme providing adequate measures for the future management and maintenance shall be agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
9.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be agreed in writing with the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
10.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p>

	Reason: In the interest of public health and surface water management.
11.	The developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water, prior to commencement of development. Reason: In the interest of public health and orderly development.
12.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works. Reason: In the interests of visual and residential amenity.
13.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the residential amenities of property in the vicinity.
14.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise, dust, debris management measures, traffic management measures, and off-site disposal of construction waste. Reason: In the interests of public safety and amenities of the area.
16.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of

	<p>the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in lieu of the provision of public open space within the site, as provided for under Sections 12.8.3 and 12.8.8 of the Dún Laoghaire Rathdown County Development Plan 2022-2028, and in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should pay a financial contribution in lieu of the provision of public open space within the site as a result of the infill nature and restricted size of site, and to comply with applicable Development Plan policy.</p>

Phillippa Joyce
Senior Planning Inspector

15th July 2022